REMARKS

I. Amendment

Claim 4 is amended herein to correct a typographical error in order to properly refer back to the recited method for "detecting" a special data packet of claim 3.

II. Restriction Requirement

The Examiner has required restriction between:

I. claims 1-4 asserted as drawn to an error detection, classified in class 714/752; and

II. claim 5-8 asserted as drawn to detecting a special data packet, classified in class 370/497.

Objection to Imposition of Restriction Requirement

The present patent application was filed June 24, 1999. On May 6, 2002, a restriction requirement was issued, in substance requiring election between claims 1-4 ("error detection code") and claims 5-8 ("unique bit sequence"). None of the claims are drawn to either an error detection code or a bit sequence. Therefore, during a telephone conversation between Applicant's attorney and the Examiner, it was agreed that the restriction requirement was not proper and would be withdrawn. On June 13, 2002, the PTO mailed a written interview summary to this effect.

Thereafter, over 3 years passed with no further response from the PTO. On January 12, 2004 Applicant submitted a status inquiry to the PTO. Applicant submitted a second status inquiry to the PTO on March 23, 2004. Receipt of both inquiries was acknowledged, but Applicant received no response to either inquiry for this case.

Then, on October 3, 2005 (over 3 years from the June 13, 2002 interview summary), the next communication from the PTO was mailed, which was a Notice of Abandonment stating that the application was abandoned for failure to respond to the restriction requirement of May 6, 2002. Of course, this was inappropriate as Applicant had responded to the restriction requirement and such restriction requirement had been withdrawn. Accordingly, during a telephone call between Applicant's attorney and the Examiner on October 24, 2005,

it was agreed that the Notice of Abandonment was inappropriate and would be withdrawn. On October 25, 2005 a written summary of this interview was mailed by Applicant's attorney to the PTO.

On November 1, 2005, the present Restriction Requirement was mailed, which again raises the identical restriction (as between claims 1-4 and 5-8) that was determined to be inappropriate over 3 years ago, as noted in the Examiner's interview summary of June 13, 2002.

Thus, this application has now been pending for six and one half years and has yet to be examined on its merits. Instead, a restriction requirement was first mailed on May 6, 2002, which was later deemed to be inappropriate. No further communication was then received for over 3 years, when a Notice of Abandonment was mailed October 3, 2005, which was also later deemed to be inappropriate and withdrawn. Now, Applicant is presented with the same restriction requirement that was deemed to be inappropriate back in 2002.

Applicant is entitled to an examination of this application. Applicant respectfully submits that the present restriction requirement that was deemed to be inappropriate over 3 years ago is <u>still</u> inappropriate, and therefore Applicant requests that the restriction be withdrawn and the Examiner expeditiously advance this case to an examination of claims 1-8 on their merits.

<u>Restriction Requirement is Improper</u>

As discussed above, the Examiner first presented a restriction between claims 1-4 and 5-8 back on May 6, 2002, which was deemed to be improper and withdrawn. The restriction as between claims 1-4 and 5-8 is <u>still</u> improper and should again be withdrawn, as discussed below.

The November 1, 2005 Restriction Requirement asserts that claims 1-4 are "drawn to an error detection" and claims 5-8 are "drawn to detecting a special data packet." This is inaccurate. Claims 1-4 are not drawn to an error detection. Rather, claims 1-2 are directed to "a method for tagging a special data packet." Similarly, claims 5-6 are directed to "a method for tagging a special data packet." Claims 3-4 are directed to "a method for detecting a

special data packet." Similarly, claims 7-8 are directed to "a method for detecting a special data packet."

Thus, Applicant submits that the grouping of the claims presented in the Restriction Requirement is improper. There are no claims drawn to "an error detection" (Group I proposed by the Restriction Requirement). There are four claims drawn to a method for detecting a special data packet. However, the claims directed to a method of detecting a special data packet are claims 3-4 and 7-8, rather than claims 5-8 (as asserted by the Restriction Requirement).

Further, the eight claims presented for examination all fit together to make up different embodiments of a single inventive concept. The Examiner has failed to establish any basis for contending that these claims are directed to inventions that cannot be used together. To the contrary, their modes of operation, functions and effects are related. For instance, claims 1-2 and 5-6 are directed to tagging a special data packet, and claims 3-4 and 7-8 are directed to detecting a special data packet (e.g., which may have been tagged as special via the methods of claims 1-2 and 5-6).

Accordingly, as determined over 3 years ago (see the Examiner's interview summary of June 13, 2002), restriction between claims 1-4 and 5-8 is improper. Accordingly, the restriction should again be withdrawn and the claims of this application should finally advance to examination on their merits.

III. Conclusion

In view of the above, Applicant respectfully requests that the Examiner withdraw the outstanding Restriction Requirement and advance claims 1-8 to substantive examination on their merits.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-1078, under Order No. 10971977-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Label No. EV 568258318US in an envelope addressed to: M/S Amendment, Commissioner for Patents, Alexandria, VA 22313.

Date of Deposit: Dec. 22, 2005

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Respectfully submitted,

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